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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,792	04/04/2001	Kouzou Kage	P/1139-99	2659

7590

06/21/2005

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EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/825,792

**Applicant(s)**

KAGE ET AL.

**Examiner**

James S. Wozniak

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the office action from 11/16/2004, the applicant has submitted an amendment, filed 2/16/2004, amending the abstract and Claims 1-8, while arguing to traverse the art rejection based on the limitation regarding translation cost determination (*Amendment, Page 11*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection in view of Rutten et al (*U.S. Patent: 6,632,251*).
2. Based on the amendments to the abstract, the examiner has withdrawn the previous objections directed towards minor informalities.
3. Based on the amendments to the claims, the examiner has withdrawn the previous 35 U.S.C. 112 rejection directed towards a lack of proper antecedent basis.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotz (U.S. Patent: 4,882,681) in view of Rutten et al (U.S. Patent: 6,632,251), and further in view of Davitt et al (U.S. Patent: 5,392,343).

With respect to **Claim 1**, Brotz discloses:

Delivering language information as to its own language as well as the other person's language, a telephone number of a first telephone terminal as well as a telephone number of a second telephone terminal belonging to said other person (*telephone numbers would be inherently included and required in order to establish the connection between the two cellular telephone devices shown in Fig. 2*) together with information for requesting translation from said first telephone terminal to a network at the time of establishing a phone line (*selector frequency, Col. 3, Lines 32-54*),

Connecting said first telephone terminal with said second telephone terminal by means of said network through a translating apparatus, which has been previously prepared (*Col. 3, Lines 32-54, and Fig. 2*);

Translating a speaking in said first telephone terminal and a speaking in said second telephone terminal by means of said translating apparatus in accordance with said language information to deliver both the spoken contents translated to their opposite parties' telephone terminals, respectively (*Col. 3, Line 32- Col. 4, Line 58, and language translators, Fig. 2*);

Brotz does not teach a means for counting the translation time in determining a price for a translation service, however Rutten discloses such a means (*timing system, Col. 12, Lines 52-62*).

Brotz and Rutten are analogous art because they are from a similar field of endeavor in language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at

the time of invention, to modify the teachings of Brotz with the means for determining a charge for a translation service based on time as taught by Rutten to in order to implement a means of calculating a charge for additional services provided to a user in order to receive payment for those extra services (*Rutten, Col. 12, Lines 55-57*).

Brotz in view of Rutten teach a means for providing a translation of a telephone conversation and billing that translation as noted above, however Brotz in view of Rutten do not teach a means for adding that bill to a phone call rate, however Davitt recites adding services for a language translation (interpreter) to a billing for an actual telephone call (*Col. 5, Line 59- Col. 6, Line 5*).

Brotz, Rutten, and Davitt are analogous art because they are from a similar field of endeavor in language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Brotz in view of Rutten with the means for adding a fee for translation services to a call charge in order to provide a caller with a detailed billing record that includes call and additional service fees (*Davitt, Col. 5, Line 65- Col. 6, Line 5*).

With respect to **Claim 2**, Brotz additionally discloses:

The first telephone terminal and the second telephone terminal are cellular phones (*cellular telephone, Col. 3, Lines 24-27*).

With respect to **Claim 3**, Davitt additionally discloses:

Network is a fixed telephone network (*POTS, Col. 6, Lines 12-17*).

With respect to **Claim 4**, Brotz in view of Rutten, and further in view of Davitt teaches the speech translation system featuring a billing calculation means, as applied to Claim 1.

Although neither Brotz, Rutten, nor Davitt specifically suggest that the telephone network is an internet phone network, the examiner takes official notice that it would have been obvious to utilize a telephone system internet network embodiment to further increase method compatibility with a commonly used and readily available internet telephone network type.

**Claims 5-8** contain subject matter similar to Claims 1-4, respectively, and thus, are rejected for the same reasons.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jaiswal et al (*U.S. Patent: 6,002,754*)- teaches an apparatus for billing a telephone call and additional services.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached at (571) 272-7582. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak  
6/6/2005



W. R. YOUNG  
PRIMARY EXAMINER